

June 17, 2004

The President
The White House
Washington, DC 20500

Through: Ms. Karen Armes, Acting Regional Director
Federal Emergency Management Agency
Region IX,
1111 Broadway Street, Suite 1200
Oakland, California 94607

Dear Mr. President,

Under the provisions of section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. § 5121-5206), and implemented by title 44 of the Code of Federal Regulations § 206.36, I request that you declare a major disaster to exist for the State of California as a result of a 500 foot levee break that occurred on June 3, 2004, in the Sacramento-San Joaquin Delta. In response to this incident, I have taken appropriate action under state law and directed the execution of the state emergency plan on June 3, 2004, in accordance with section 501(a) of the Stafford Act. Finally, I proclaimed a state of emergency to exist in San Joaquin County on June 4, 2004.

As of June 15, 2004, thirty-six square miles of land is eight (8) feet under water, and the water continues to flow at 35 miles per hour from the Middle River into the Upper Jones and Lower Jones Tracts. To date, 51,000 tons of rock has been placed on the breach, which brings the closure operation to approximately 28 percent complete. The U.S. Army Corps of Engineers (USACE) estimates that 160,000 tons of rock will be required to fill the breach. Estimated state and local flood fight and estimated repair costs are currently \$53 million. Please see the enclosed table for a breakdown of estimated costs eligible under the Stafford Act. It is probable that this amount will increase when additional damage to utility lines is discovered when the water recedes.

Two of the state's primary water sources, the California Aqueduct and the Delta Mendota Canal remain at serious risk. Additionally, the drinking water quality for the Contra Costa Water District (CCWD), which takes its water directly from the Delta, is in jeopardy. Finally, the

integrity of infrastructure that traverses the Delta including State Highway 4, the East Bay Municipal Water District (EBMUD) water supply pipelines, the Burlington Northern Santa Fe Railroad, and the Kinder-Morgan fuel line are in danger. The California Conservation Corps has been tasked to lay visquine (plastic sheeting) along 14 miles of levee directly impacted and threatened.

The situation is of such severity that supplemental federal assistance is required to protect public health and safety and restore vital public infrastructure. The specific impacts caused by the disaster include:

- **Integrity of the Adjacent Islands at Risk:** Boils and seepage on adjacent islands are occurring as water continues to remain on both tracts. The California Department of Water Resources (DWR) engineers are concerned that with continual wave action and strong winds, the floodwaters will continue to erode the levees.
- **Salt Water Intrusion into the Bay/Delta:** The levee break disrupted the flow of freshwater into the Bay/Delta from rivers and tributaries allowing the saltwater current to intrude into the Delta. Both the state's California Aqueduct and the federal government's Delta Mendota Canal pump water from the south Delta and deliver it to the south Bay Area, the San Joaquin Valley and Southern California. High salinity concentrations may minimize or halt pumping from the Delta for some time and compromise water delivery to California's farmlands and municipalities. This intrusion could potentially impact the water supplies and water quality for over 22 million people in Southern California and 2.3 million acres of farmland. DWR officials are currently monitoring the salinity concentration in the Delta.
- **State Highway 4 at Risk:** Highway 4, a major thoroughfare that connects the Bay Area with California's Central Valley runs along Trapper Slough levee. The levee borders the southeast portion of Upper Jones Tract. The Reclamation District and DWR have determined that the levee is inadequate to protect Highway 4 and thousands of acres to the south and west of Upper Jones Tract from flooding. The USACE has quickly responded and agreed to assist raising and strengthening this levee. The California Department of Transportation has been working to provide riprap along the slough to prevent erosion and loss of Highway 4.
- **Drinking Water to East Bay in Jeopardy:** The EBMUD has three water supply lines on pylons that are currently fully or partially submerged. If floodwaters remain in the tract for more than a few weeks, the floodwater and wave action can damage the pipelines. The three lines are the principle water supply source for 1.5 million people in the East Bay Area. Additionally, EBMUD officials estimate that the cost to replace the pipeline today would be approximately \$183 million and \$546 million to replace all

three. The economic loss to the region is estimated at \$1 billion. Finally, the CCWD, which supplies water to 200,000 residents and takes its drinking water supply from the Delta, is currently testing the salt and pesticide concentration at their intake.

- **Fuel Line at Risk:** The Kinder-Morgan Pipeline, which carries unleaded fuel, runs along the Burlington Northern Santa Fe (BNSF) Railroad track and is buried two to six feet. Officials are concerned that remaining floodwaters in the island could cause soil erosion to the pipeline and damage the line. Kinder-Morgan, the pipeline owner, has taken swift action to flush the pipeline of the fuel and replaced it with water in the event the pipeline shifts and breaks.
- **Railroad in Danger:** The BNSF has closed the section of the track in the area. Trains are being diverted to the Union Pacific line. BNSF estimates that if the track were shut down for an extended period, the cost would reach \$1 million for every hour not in operation.
- **Agricultural Losses:** The local agricultural commissioner estimates losses to crops at \$10 million. Crops impacted include asparagus, alfalfa, tomatoes and corn. This loss is having a detrimental effect on the migrant community.
- **Impacts to Families:** The local Catholic Church, which has been providing refuge, food and donated clothing for some families, reports that nearly 500 migrant workers and their families have been displaced and are now unemployed. Red Cross has provided hotel vouchers for some families on a short-term basis. This levee break will have long-term effects, because it will take months before the flooded homes become habitable.

Time is of the essence to keep standard levels of fresh water flowing into the San Francisco Bay. Private contractors have been hired to place boulders in the break as an emergency measure to slow the water flow onto farmland and keep the water in the Middle River. This emergency protective measure is expected to take 45 days to complete. DWR is currently working with local and state agencies and providing technical assistance to determine strategies for permanently repairing the break and strengthening the levee.

The state has suffered multiple disasters in the last twelve months. We experienced the most devastating fires in the state's history whereby 22 civilians lost their lives during the 2003 October/November Southern California fire siege. This tragedy was further compounded by mudslides in the burn area that killed 15 people. In late December 2003, we experienced the San Simeon Earthquake impacting San Luis Obispo and Santa Barbara Counties further taxing the resources of state and local governments. Further, California has 20 open Fire Management Assistance Grants (FMAG), four (4) of which were approved in the last two months and eight in the 2003 calendar year. In addition, we have requested and received 213 disaster designations

from the U.S. Department of Agriculture and 197 U.S. Small Business Administration designations due to wheat stripe rust, excessive heat, hailstorms and drought. In late April, a major diesel fuel spill occurred in Solano County when a 14" fuel pipeline breached. Because of the proximity to waterways and other critical issues, this resulted in a large commitment of local, state and federal resources for several days to assist the pipeline owner in responding to the emergency and to protect life, property and the environment. The state also continues to battle the bark beetle epidemic in California's forests and urban/wildland interface areas in an effort to decrease the associated fire risk.

In addition, the state has funded disaster assistance under the California Disaster Assistance Act for several disasters for which federal assistance was not requested, including the 2003 Winter Storms in Mendocino, Trinity and Humboldt Counties (eligible cost to date approximately \$4 Million), August storms in Inyo, San Bernardino and Imperial counties totaling nearly \$3 Million in eligible costs, the November 12, 2003, storm in Los Angeles, the Trinity County Snow Storms occurring in December and February, 2004, a major rain storm in Daly City occurring February 25, 2004, and a Director's concurrence for the four (4) Riverside County wildfires to cover permanent work not funded under FMAG.

Pursuant to 44 CFR 206.36, I have determined that these incidents are of such severity and magnitude that effective response and recovery efforts are beyond the current capabilities of the state and the affected local governments. Accordingly, I am requesting that you make federal assistance available to: (1) fund eligible emergency response costs; (2) fund the removal of debris, which poses an immediate threat to lives, public health and safety; (3) fund costs to restore damaged public infrastructure; (4) fund Hazard Mitigation Programs; and (5) provide other funding and assistance as appropriate and available under title V of the Robert T. Stafford Act to enable the State of California to respond to and recover from this disaster.

I certify that for this emergency, the state and local government will assume all applicable non-federal share of costs required by the Stafford Act.

Pursuant to sections 502 and 407 of the Stafford Act, 42 U.S.C., sections 5192 and 5173, the state agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The state agrees that removal from public or private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

I have designated Mr. Henry R. Renteria, Director of California's Office of Emergency Services, as the State Coordinating Officer for this request. He will continue to coordinate with the Federal Emergency Management Agency to accurately document damage caused by this event and may provide further information and justification on my behalf.

The President
June 17, 2004
Page 5

I appreciate your prompt response and urge your favorable consideration of this request. If you have any questions regarding this request, please contact the State Coordinating Officer, Director Henry R. Renteria at, (916) 845-8510.

Sincerely,

Arnold Schwarzenegger

Enclosures